

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

**CAPITAL CREDIT AND COLLECTION
SERVICE, INC.,**

Plaintiff,

v.

JEFFREY M. DIVERS,

Defendant.

Case No. 3:23-cv-00274-YY

ORDER ADOPTING F&R

Michael J. Kavanaugh, Attorney at Law, 5530 SE Center Street, Portland, OR 97206. Attorney for Plaintiff.

Jeffrey M. Divers, 16811 Lakeridge Drive, Lake Oswego, OR 97034. Pro se.

IMMERGUT, District Judge.

On March 1, 2023, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F&R”), ECF 5, recommending sua sponte that this case be remanded to Clackamas County Circuit Court due to Defendant Jeffery M. Divers’ untimely removal, ECF 1, and this Court’s lack of subject matter jurisdiction. No party filed objections. For the following reasons, the Court ADOPTS Judge You’s F&R.

STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, sua sponte” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

CONCLUSION

No party having filed objections, this Court has reviewed the F&R, ECF 5, and accepts Judge You’s conclusions. Judge You’s F&R, ECF 5, is adopted in full. Accordingly, this Court REMANDS this case to Clackamas County Circuit Court for further proceedings.

IT IS SO ORDERED.

DATED this 19th day of April, 2023.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge